

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:18-CR-153-FL-1

UNITED STATES OF AMERICA)	
)	
v.)	<u>ORDER</u>
)	
AUSTIN KYLE LEE,)	
)	
Defendant.)	


This matter came before the court on October 17, 2019, for a hearing on the competency of Defendant Austin Kyle Lee ("Defendant") to determine whether Defendant is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, in accordance with 18 U.S.C. §§ 4241 and 4247(d). *See* Order [DE-70]. At the hearing the government was represented by Assistant United States Attorney Lucy Brown and Defendant, who was present in the courtroom, was represented by James Ayers. The court advised Defendant of his rights under 18 U.S.C. § 4247(d) which Defendant indicated he understood.

In accordance with the court's order, prior to the hearing Defendant had been evaluated at the Federal Bureau of Prisons Metropolitan Correctional Center in Chicago Illinois, by Allison Schenk, Ph.D., a licensed clinical psychologist. At the conclusion of Defendant's evaluation, Dr. Schenk authored a Forensic Psychological Report ("Report"), dated September 25, 2019, containing a detailed summary of Defendant's evaluation as well as Dr. Schenk's findings and conclusion bearing on Defendant's competence. The report was filed under seal and provided to counsel prior to the hearing.

At the hearing, the government argued in support of Dr. Schenk's findings and conclusions in the Report. According to the Report, Defendant has been diagnosed with Narcissistic Personality Disorder with antisocial traits. Nonetheless, Dr. Schenk concludes Defendant is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense. Defendant did not contest the findings of the Report and offered no evidence to its findings and conclusions.

Accordingly, after consideration of the position of the parties as well as the findings contained in the Report, the court does not find by a preponderance of the evidence, pursuant to 18 U.S.C. § 4241(d), that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

So ordered, the 21st day of October 2019.


Robert B. Jones, Jr.
United States Magistrate Judge